

TOWN OF SALEM
INLAND WETLANDS AND CONSERVATION COMMISSION
April 6, 2010 . Show Cause Hearings

MEETING MINUTES

PRESENT: S. Snyder, Chairman
E. Belt, Vice Chairman
G. Ziegra
W. Leuck
G. Balavender, Alt.

ABSENT: D. Khan-Bureau
R. Phillips
L. Wildrick
E. Natoli, Alt.

ALSO PRESENT: M. Chinatti, WEO

CALL TO ORDER:

Chairman Snyder called the meeting to order at 7:00.

(M/S/C Leuck/Belt) to seat G. Balavender for L. Wildrick. Carried unanimously.

SHOW CAUSE HEARINGS:

1. 566 Hartford Rd., Salem, CT . Enlargement of a deck within wetlands without first obtaining a permit from the Inland Wetlands and Conservation Commission.

There was no one present to speak to this matter.

(M/S/C Leuck/Ziegra) to change the order of the agenda to speak to 440 Hartford Road first. Carried unanimously.

2. 440 Hartford Rd., Salem, CT . Filling wetlands without first obtaining a permit from the Inland Wetlands and Conservation Commission.

Chairman Snyder read the Cease & Desist Order into the record.

M. Barba, property owner, stated that the subject location is a hole and he just pushed some brush into it about six (6) years ago. He stated the hole is from when the road was widened.

Mr. Ziegra stated that the property is located just north of Maple Shade Gas Station and Convenience Store, and that brush has been pushed in over the years at the south end of the parcel.

In response to a question regarding size of the hole, M. Barba state it is approximately 200qlong.

Mr. Ziegler stated that water runs off the hill and into the hole, to which M. Barba added that it (water) also runs toward the house.

M. Barba stated that, other than here and there, the majority of work was done a few years ago, and that he could remove loose material from the area and burn it. He further stated that the east branch of the Eight Mile River is on the east side of the property behind the abutting Maple Shade property. He also stated he has not noticed any skunk cabbage growing in the area.

Chairman Snyder suggested pacing off the area on the property so the Commission will know better how far the activity is from any regulated area(s), to which M. Barba replied that the distance is approximately 5,000 feet, and that abutting property is owned by Salem Land Trust.

G. Ziegler stated he tends to agree that the subject area is just a hole that was dug out years ago.

Chairman Snyder stated that the fact that there isn't skunk cabbage growing does not mean the area is not a wetland.

(M/S/C Ziegler/Belt) to adjourn, at 7:17PM, the hearing to 440 Hartford Road for observation of the problem and possible action. Carried unanimously.

Chairman Snyder reconvened the meeting at 440 Hartford Road at 7:28PM. She stated that it is understandable how someone going by would think the area was a pond, that there are no trees growing, and that the material on the south side does, indeed, appear to be within a regulated area. She continued, stating that unless the Commission were to look at photos taken during a drier period, a determination can not be made as to whether there is actually a pond, watercourse, or wetland area in the location.

G. Ziegler suggested, E. Belt agreed, that the property owner remove all boards and man-made items and some of the brush that has not decomposed, but that no heavy equipment be used for the task, and also reminded the property owner not to put any additional items in the area.

With no further discussion, Chairman Snyder suggested that, based on the property owner's willingness to cooperate and observations made by the Commission at the location, the investigation be considered ended as long as no other activity is performed in the hole, but that the material along the edge of the area is to be removed within a two (2) week period and a re-inspection performed after April 20.

(M/S/C Belt/Leuck) that no permit is required for the work, and that remedial action will include removal of all man-made material, roof debris and brush using no heavy equipment, work to be completed by April 20, after which the Wetlands Enforcement Officer will perform a re-inspection. Carried Unanimously.

(M/S/C Balavender/Leuck) to adjourn, at 7:38PM, the hearing to Salem Town Hall. Carried unanimously.

Chairman Snyder reconvened the hearings in Conference Room 2 of the Salem Town Hall at 7:44PM.

1. 566 Hartford Rd.,, Salem, CT . Enlargement of a deck within wetlands without first obtaining a permit from the Inland Wetlands and Conservation Commission.

The Commission then discussed Item 1.

W. Leuck recused himself from all discussion and voting on the subject property due to a conflict of interest, that being the property owner is W. Leuck's landlord. W. Leuck then left the meeting at 7:45PM.

Chairman Snyder reviewed the letter sent to the property owner on March 30, and suggested that another letter be sent, Certified Mail/Return Receipt Requested, indicating that the show cause hearing is continued to the Commission's April 12 agenda.

M. Chinatti and members discussed the issue at the subject property; Chairman Snyder stated her opinion that, if the property owner were to come before the Commission for an As of Right determination, the Commission would tell him a permit is necessary. She continued, stating that since the work has already been done, the owner should come in for an after-the-fact permit, and that the letter should also indicate the property is to attend the meeting to submit an application in addition to addressing the Cease & Desist Order.

(M/S/C Ziegler/Belt) to continue the show cause hearing for 566 Hartford Road to the April 12, 2010 regular meeting. Carried unanimously.

(M/S/C Belt/Ziegler) to adjourn at 8:07PM. Carried unanimously.

Respectfully submitted,

Mary Ann Chinatti, Town Planner/ZEO/WEO